

**TITLE:** Electronic Control Weapon

**SOP NUMBER:** 06-025

**EFFECTIVE DATE:** 04-01-16

**REPLACES/RESCINDS:** 06-01-15



## I. PURPOSE

The purpose of this Standard Operating Procedure is to provide officers with guidance and direction on the use of Electronic Control Weapons.

## II. POLICY

It is the policy of this Department to use only that level of force reasonably necessary to control or otherwise subdue violent or potentially violent persons. Electronic Control Weapons have been proven effective in furtherance of this policy and are authorized for use in appropriate circumstances by trained personnel. Electronic Control Weapons should be used as a weapon of need, not a tool of convenience, and officers should not rely on Electronic Control Weapons in situations where more effective and less risky alternatives are available.

## III. DEFINITIONS

**Electronic Control Weapon (ECW):** A general class of device that is designed to disrupt a person's sensory and motor nervous system by means of deploying battery powered electrical energy which is sufficient to cause neuro muscular incapacitation (NMI), which is uncontrolled muscle contractions that override an individual's voluntary motor responses.

**Drive Stun:** An ECW delivery method used by activating the ECW and making physical contact with a person to gain pain compliance. The drive stun mode does not cause NMI.

## IV. PROCEDURES

### A. Authorized Users

Officers authorized to carry an ECW shall complete this Department's training. All personnel authorized to carry these devices shall complete annual in-service refresher training. This training covers the physical capabilities of the ECW device, device retention, changes in Department policy, technology changes, review of local and national trends in ECW use, deployment strategies, probe removal, legal updates, and prisoner care.

## **B. Authorized Equipment**

Authorized users shall carry only ECWs approved by the Director of the Fairfax County Criminal Justice Academy. All bureaus and divisions requiring specialized ECW equipment shall coordinate with the Academy Director for testing, evaluation, and final approval by the Chief of Police. The Academy shall be responsible for developing a training regime for the authorized equipment as well as maintaining a list of authorized and distributed equipment. Personally purchased or owned ECW devices are not authorized and shall not be carried.

## **C. Device Readiness**

Authorized users will carry the ECW in an approved holster, worn on the officer's opposite side of their firearm in a cross draw carry position on their Sam-Brown belt. Specialty Units that carry ECWs must have a written variance to carry a device on their strong arm side from the Chief of Police. The Chief of Police will consult with the Academy Director and Range Staff prior to approving any variance for strong arm side carry authorization. Only certified ECW Instructors have authorization to make alterations or repairs to the ECW.

## **D. Deployment**

1. The ECW disrupts the sensory and motor nervous system of a person by deploying battery-powered electrical energy sufficient to cause sensory and NMI responses. Officers shall only utilize one ECW deployment against a person, unless the first ECW fails to achieve the desired result. Following the application of one cycle, officers shall evaluate its effectiveness and determine if a subsequent cycle is necessary to mitigate any risk of danger to the person or others. Additionally, officers shall only use an appropriate amount of ECW applications which are objectively reasonable to overcome the person's immediate risk of danger to themselves, or others to gain compliance coupled with lawful commands. The use of the ECW, whether in "probe" or "drive stun" mode shall not be used on passive resisting persons who pose no immediate risk of danger to themselves, or others.
  - (a) Fleeing is not to be the sole justification for using an ECW against a person. Officers should consider the severity of the offense, the person's threat level to harm others, and the risk of injury to the person if an ECW is deployed before deciding to use an ECW on a fleeing person.
  - (b) The ECW should not be used on handcuffed persons unless doing so is necessary to prevent them from causing bodily harm to themselves or others and if lesser use of force attempts to control the person have failed to produce the desired control effect.

- (c) The ECW should not be used against persons who are in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATV's, bicycles, scooters).
  - (d) When practical, a warning should be given to a person prior to activating the ECW unless doing so would place any person at risk. Warnings may be in the form of verbalization, display, laser painting, arcing, or a combination of these tactics.
  - (e) Handcuffed persons resisting arrest or assaulting officers present a unique use of force decision. Officers may use only that amount of force reasonably necessary to ensure safe custody or to overcome the person's resistance to a lawful arrest. Striking instruments, OC, and the ECW shall not be used on passive handcuffed persons unless the person poses an inherent assault threat to the officer, others, the person's actions will cause self-inflicted injuries if not stopped after other modes of lesser force have failed or are ineffective, and/or other force alternatives are unacceptable for the situation.
2. Use of Force Model (ECW Probes) - The ECW probe delivery method is considered non-deadly force; however, it should only be deployed against persons who are exhibiting active aggression or who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others. When determining whether to deploy the ECW, the totality of the circumstances and the surrounding environment should be considered in conjunction with the likelihood of physical injury resulting from an ECW, such as unintentional probe contact to a sensitive area (face, head, neck, breasts, groin, pre-existing injury) or a secondary injury to the subject from falling.
3. Use of Force Model (Drive Stun Mode) – In the drive stun mode, the ECW is considered non-deadly force. The ECW drive stun causes pain without NMI. The ECW in the “drive stun” mode should be used only to supplement the probe mode to complete the NMI circuit, or in response to a person's assaultive behavior as a countermeasure to gain separation from the person so that officers can consider another force option. Officers shall not use drive stun solely as a pain compliance technique against someone who is not a threat to themselves or others. This includes a prohibition of use against a passive resistant persons.

To deliver a cycle of energy when operating the X-26 model in the drive stun mode, the operator shall remove the cartridge prior to the cycle of energy to ensure the probes do not deploy. Removal of the cartridges when operating

the X2 model is not necessary prior to depressing the arc switch. In both systems the unit is pressed firmly into the following suggested areas:

- Radial (forearm)
- Common peroneal (outside of thigh)
- Tibia (calf muscle)

**WARNING:** *If possible, avoid applying drive stun to:*

- Carotid (sides of neck)
- Pelvic Triangle

*These areas are sensitive to mechanical injury (i.e., crushing to the trachea or testicles when applied forcefully). These sensitive areas should only be targeted when officers are defending themselves from violent attacks.*

4. The ECW operator must be familiar with the surrounding environment prior to deploying the system. Officers should be cognizant that a person's elevated position may result in secondary injuries due to a fall after application of the ECW. The operator must weigh the need for incapacitation against the need to prevent serious bodily injury to the person, civilians, and other officers.
5. Officers should be particularly cognizant of the potential for secondary injuries in elderly persons who are incapacitated by an ECW. Coexisting medical diseases and/or increased possibility of bone fractures in the elderly require an elevated level of justification prior to deploying the ECW against them. An elderly person exposed to ECW shall be medically evaluated.
6. Officers should be particularly cognizant of the potential for secondary injury in pregnant women. Injury may occur to the unborn child due to a fall onto the abdomen. The use of an ECW on persons known to be, or thought to be pregnant should be limited to those situations where such risks are deemed necessary. A pregnant woman, or a woman thought to be pregnant, shall be evaluated at a medical facility following application of an ECW.
7. There is no reason to suspect that children would be likely to suffer injury if exposed to an ECW. However, children's low body mass and secondary injuries require that officers must have an elevated level of justification and articulable facts prior to utilizing the ECW on children.
8. Officers who use an ECW on persons exhibiting symptoms of a mental health crisis or drug abuse should consider that these persons may be experiencing, or are at an increased risk of developing, excited delirium. Excited delirium is a potentially fatal acute medical illness. Persons exhibiting signs or symptoms of excited delirium shall be evaluated at a medical facility. Excited

delirium should be strongly suspected in a person who exhibits unusual strength, little or no reaction to pain, ability to resist multiple officers, excessive sweating, bizarre or violent behavior, aggression, extreme paranoia, incoherent shouting, and destruction of property (particularly glass). Officers shall summon rescue if the person is exhibiting signs of excited delirium so they can be medically evaluated as soon as practical upon apprehension.

9. Use of an ECW against an attacking animal may reduce the need for greater, more injurious force against the animal and should be based on the officer's intent to provide a safer and less traumatic conclusion to the incident.
  - (a) Use of the ECW on an animal is appropriate if the animal has attacked someone or is an active threat to a person, officer, another animal, is causing a continuing public nuisance, the animal needs to be captured for reason of public peace or safety, preservation of property, and any other legitimate purpose.
  - (b) The length of the animal's body should be targeted. The officer may need to cant the ECW to a horizontal position to achieve this target area. Care should be taken to avoid the head and other sensitive areas on the animal. It is understood that deployments against animals may be very dynamic in nature and the probes may impact unintended areas.
  - (c) Procedures for probe removal should take place as outlined herein. Personnel will take reasonable measures to consider that the animal's welfare is provided for, in the event that probes impact a sensitive area, or it appears the animal's health is in jeopardy. Officer safety is paramount when removing probes from a potentially dangerous animal. In these situations, the assistance of an Animal Control Officer shall be requested.

## **E. ECW Probe Removal and Medical Requirements**

ECW operators trained in the removal of probes may normally remove ECW probes that are embedded in a person's skin. When removing these probes, the officer should wear protective gloves. The officer should grab the probe and pull it directly away from the person's skin, while simultaneously supporting the skin surrounding the probe with their opposing hand. Once the probe is removed, it shall be visually inspected to ensure the barb is still attached to the probe. It shall be inserted into the expended cartridge for disposal. The expended cartridge should be encapsulated within the officer's protective glove, then double wrapped with the second glove and disposed of. The officer shall clean the wound on the person with an antiseptic wipe, and then cover the impact area with a bandage.

If, during the visual inspection of the probe finds that a barb is not attached to the probe, the officer shall request Rescue to transport the person to a medical facility for removal of the barb.

In most instances, there will be a small amount of blood visible around the probe wound. In these instances, the officer's supervisor shall complete the appropriate reports to document the exposure incident (non-risk event if there is blood or body fluid transfer to the officer's intact skin). If an exposure incident becomes a compromised risk-event, the officer's supervisor shall complete the required exposure incident risk-event document. Officers shall not remove probes if the person objects, or if the probe embeds in their face, genital area, buttocks, spine, neck, pre-existing injury area, or in a woman's breast. In these events the officer shall request Rescue to transport the person to a medical facility for the removal of the probes.

Rescue personnel in the field or at a medical facility should consider all persons exposed to the ECW application (excluding drive stun) for medical evaluation. This consideration should be based upon the circumstances surrounding the ECW use, to include:

- Symptoms of excited delirium
- Admitted or known serious medical condition
- Prolonged physical exertion, such as actively resisting or fighting

**Persons exposed to prolonged application (i.e., 3 or more 5-second cycles, or a continuous application of 15 seconds or more) shall be transported to a medical facility for evaluation.**

**Any person exposed to an ECW application requires the officer to make notification of receiving personnel at the ADC or other detention facility.**

## **F. ECW Reporting Requirements**

The use of the ECW and the removal of its probes require a completed ECW report form. Copies of the Incident Report and Use of Force Supplement ECW Report shall be forwarded to the Internal Affairs Bureau (IAB).

The Office of the Medical Director (OMD) and the IAB conduct reviews of all ECW deployments to consider issues related to the potential for secondary injury, coexisting medical or mental health illness or intoxication, and all potential health and safety concerns. The OMD coordinates these reviews with the Commander of IAB. Upon review of deployment cases, IAB coordinates with the Criminal Justice Academy to ensure that relevant training is provided to all ECW operators to ensure deployments adhere to this policy.

## V. LEGAL REFERENCE

Estate of Armstrong ex rel. Armstrong v. Vi11. of Pinehurst, 810 F.3d 892 (4th Cir. 2016)

## VI. ACCREDITATION STANDARDS REFERENCE

### VLEPSC

|       |       |
|-------|-------|
| ADM.  | PER.  |
| 05.01 | 10.01 |
| 05.02 |       |
| 05.03 |       |
| 06.01 |       |

### CALEA

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|--------|---------|
| 1.2.2  | 1.3.11  |
| 1.3.4  | 1.3.12  |
| 1.3.5  | 1.3.13  |
| 1.3.6  | 16.3.3  |
| 1.3.7  | 16.3.6  |
| 1.3.9  | 22.2.8  |
| 1.3.10 | 33.4.1  |
|        | 42.2.6  |
|        | 42.2.10 |

This SOP becomes effective April 1, 2016 and rescinds all previous rules and regulations pertaining to the subject.

**Issued by:**



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Chief of Police